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U.S. Department of State

Saint Vincent and the Grenadines Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

SAINT VINCENT AND THE GRENADINES

St. Vincent and the Grenadines is a multiparty, parliamentary democracy and a member of the Commonwealth of Nations. A prime minister, a cabinet, and a unicameral legislative assembly compose the Government. The Governor General, appointed by the British monarch, is the titular head of state, with largely ceremonial powers. Prime Minister Sir James F. Mitchell and his New Democratic Party (NDP) were returned to power for an unprecedented fourth term by a slim margin in free and fair elections held on June 15. The judiciary is independent.

The Royal St. Vincent Police, the only security force in the country, includes a coast guard and a small Special Services Unit with some paramilitary training. The force is controlled by and responsive to the Government, but police continued to commit some human rights abuses.

St. Vincent has a market-based economy. Much of the labor force is engaged in agriculture, in particular, banana production. Bananas are the leading export and a major source of foreign exchange earnings. However, the banana industry is declining, and the growing tourism sector is becoming the leading earner of foreign exchange. Unemployment is estimated to be 40 percent, and the 1997 per capita gross domestic product was low, at approximately \$2,500.

Human rights are generally well respected. The principal human rights problems continued to include occasional instances of excessive use of force by police, the Government's failure to punish adequately those responsible for such abuses, poor prison conditions, and an overburdened court system. Violence

against women and abuse of children also were problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political killings.

In June the police shot and killed a man who had been arrested, when he attempted to flee the police station in handcuffs. The authorities initially charged the officer responsible for the shooting death with murder, but they later reduced the charge to manslaughter. The officer was released on bail and was awaiting trial at year's end.

There was also one death in custody under questionable circumstances (see Section 1.c.).

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and other forms of cruel, inhuman, or degrading treatment or punishment. However, a very high percentage of convictions (estimated at 90 percent by the regional Caribbean Human Rights Network) continue to be based on confessions. The St. Vincent and the Grenadines Human Rights Association (SVGHRA), an affiliate of the regional network, claims that some of these confessions resulted from unwarranted police practices, including the use of physical force during detention, illegal search and seizure, and failure to properly inform those arrested of their rights.

There is no independent review board to monitor police activity and to hear public complaints about police misconduct. The SVGHRA has advocated such a board to protect the rights of citizens complaining of these activities.

Incidents of police brutality continued. In April a prisoner was found dead on a toilet seat in his cell 1 day after police arrested him on the island of Bequia. The police reported that the prisoner had been under the influence of alcohol at the time of his arrest and died by choking on his own vomit. An initial post mortem report confirmed police reports. However, a second post mortem examination noted marks on the neck and bruises on the small intestines, and indicated that both forearms and fingers were in a clutching position. A coroner's inquest in August ruled that no one was responsible for the death.

In an August 1997 case, police officers dragged a man through the streets hanging from their jeep. The police initially failed to provide a reason for taking the man into custody and never indicated that the man was being placed under arrest. However, subsequent to the incident, they charged him with resisting arrest and assaulting a police officer. The case was still pending in court at year's end.

Prison conditions are poor. Antiquated and overcrowded prisons, with over 400 inmates in a prison designed for 75, result in serious health and safety problems. Recent renovations have improved conditions somewhat. However, according to the SVGHRA, 75 to 80 prisoners still sleep on the floor.

An inmate who wishes to speak with his lawyer must do so by written correspondence; however, the authorities sometimes monitor and censor such correspondence.

These conditions are particularly harsh for juvenile offenders. There is a small facility for delinquent boys, but it is seriously inadequate and generally is used for those already convicted through the criminal system. Although separate legal statutes exist for youthful offenders, there are no separate magistrates or prosecutors to handle such cases.

The SVGHRA brought a constitutional motion against the Superintendent of Prisons for ordering corporal punishment with a "cat-o-nine tails" against an inmate. The High Court found that the Superintendent had no authority to order corporal punishment, that the cat-o-nine tails should not be used in the prison, and that its use represented an abuse of authority. The Government appealed the decision to the Eastern Caribbean Court of Appeal, but later withdrew the appeal. Monetary compensation for the inmate remains to be determined by the High Court.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for persons detained for criminal offenses to receive a fair hearing within a reasonable time by an impartial court. Although there are only two official magistrates, the registrar of the High Court and the presiding judge of the family court now effectively serve as magistrates when called upon to do so. While this practice reduced the backlog, complaints remain regarding police practices in bringing cases to court. Some defense attorneys claim this has caused 6- to 12-month delays in preliminary inquiries for serious crimes.

There were no reports of forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent and impartial court, and the judiciary is independent in practice.

The judiciary consists of lower courts and a High Court, with appeal to the Eastern Caribbean Court of Appeal and final appeal to the Privy Council in the United Kingdom. There are three magistrates, plus one magistrate who serves only the family court.

The Constitution provides for public trials. The court appoints attorneys for indigent defendants only when the defendant is charged with a capital offense. Defendants are presumed innocent until proven guilty and may appeal verdicts and penalties. There is a large backlog of pending cases, particularly for criminal cases, because of delaying tactics by lawyers as well as the overburdened judicial system.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution prohibits arbitrary search and seizure or other government intrusions into the private life of individual citizens, and there were no reports of such abuses.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press. There are two major newspapers and numerous smaller, partisan publications; all are privately owned, and most are openly critical of the Government's policies. There were no reports of government censorship or interference with the operation of the press. However, individual journalists critical of the Government have on occasion found themselves denied professional opportunities, including training and advancement.

The lone television station in St. Vincent is privately owned and operates without government interference. Satellite dishes are popular among those who can afford them. There is also a cable system with mainly North American programming that has about 300 subscribers. The Government controls programming for the government-owned radio station.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights, and the Government respects them in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government respects them in practice.

No formal government policy toward refugee or asylum requests exists. The issue of the provision of first asylum did not arise. There were no reports of forced expulsion of anyone having a valid claim to refugee status; however, government practice remains undefined.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right to change their government through regularly scheduled free and fair elections. St. Vincent has a long history of multiparty parliamentary democracy. During the June election, the ruling New Democratic Party won a slim 1-seat majority (8 of 15) in Parliament, despite losing the popular vote by a 55 to 45 percent margin to the opposition ULP. Calling this outcome an "overt manifestation of rejection by the public" of Prime Minister Mitchell's Government, the Unity Labour Party (ULP) made claims of election fraud and demanded new elections. However, no evidence was found to support the allegations of election fraud. The Prime Minister refused the ULP demand, and instead proposed a constitutional review to consider possible amendments such as a provision for proportional representation.

One of the opposition members of Parliament is a woman.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Opposition political groups and the Vincentian press often comment on human rights matters of local concern. The SVGHRA closely monitors government and police activities, especially with respect to

treatment of prisoners, publicizing any cases of abuse. The Government is generally responsive to public and private inquiries about its human rights practices.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal treatment under the law regardless of race, sex, or religion, and the Government adheres to this provision.

Women

Violence against women, particularly domestic violence, remains a major problem. The Government took legislative steps to address this problem through the Domestic Violence/Matrimonial Proceedings Act (1994) and the more accessible Domestic Violence Summary Proceedings Act (1995). Both laws provide for protective orders, as well as occupation and tenancy orders, although the former is only accessible through the High Court, whereas the latter can be obtained without the services of a lawyer in family court. For the past 3 years, the SVGHRA has conducted numerous seminars and workshops throughout the country to familiarize citizens with their rights under these acts. Increasing numbers of women are coming forward with domestic violence complaints.

Depending on the magnitude of the offense and the age of the victim, the penalty for rape is generally 10 or more years in prison.

In 1995 the legislature amended the Child Support Law to allow for payments ordered by the courts even though notice of an appeal has been filed. Previously, fathers who had been ordered to pay child support could appeal decisions and not pay while the appeal was being heard. This resulted in a huge backlog of appeal cases and effectively reduced the number of mothers and children receiving support payments. The family court was established in 1995 in the capital city of Kingstown with one magistrate. According to the SVGHRA, because there is only one bailiff to service all the country, summonses often are not served on time for cases to be heard as scheduled in court.

The Ministry of Education, Women's Affairs, and Culture has a women's desk that assists the National Council of Women with seminars, training programs, and public relations. The minimum wage law specifies that women should receive equal pay for equal work.

Marion House, a social services agency established by the Catholic Church in 1989 and staffed by 11 trained counselors and 4 foreign volunteers, provides counseling and therapy services.

Children

Education is not compulsory, but the Government states that it investigates cases where children are withdrawn from school before the age of 16. Although the Government has played a more prominent role in legislating health and welfare standards since independence, the infant mortality rate is still very high. One underlying cause is the large number of children born to teenage mothers.

The Domestic Violence Summary Proceedings Act provides a limited legal framework for the protection of children. Nevertheless, reports of child abuse remain high and are on the increase. The Social Welfare Office is the government agency responsible for monitoring and protecting the welfare of children. The police are the enforcement arm; the Social Welfare Office refers all reports of child abuse to the police for action.

People With Disabilities

There is no specific legislation covering persons with disabilities, and the circumstances for disabled individuals are generally difficult. Most severely disabled people rarely leave their homes because of the poor road system and lack of affordable wheelchairs. The Government partially supports a school for the disabled which has two branches. A separate, small rehabilitation center treats about five persons daily.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides citizens the right to form unions and to organize employees, while the Trade Unions and Trade Disputes Act allows the right to strike. Employers often ignore the constitutional provisions that provide for union rights, and claim that they have a constitutional right not to recognize a trade union. Some employers, however, seek a good industrial relations environment and cooperate with trade unions. There were no major strikes.

St. Vincent and the Grenadines joined the International Labor Organization in 1997 and assumed all its obligations for enforcement of labor standards.

Unions have the right to affiliate with international bodies.

b. The Right to Organize and Bargain Collectively

There are no legal obstacles to organizing unions; however, no law requires employers to recognize a particular union as an exclusive bargaining agent. Some companies offer packages of benefits with terms of employment better than, or comparable to, what a union can normally obtain through negotiations. The law prohibits antiunion discrimination by employers against union members and organizers. Generally effective mechanisms exist for resolving complaints. The authorities can order employers found guilty of antiunion discrimination for firing workers without cause (including for participation in union activities) to reinstate the workers or give them severance pay.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Government prohibits forced or compulsory labor, and it is not known to occur. The Government does not specifically prohibit forced or bonded labor by children, but there were no reports that it occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The law sets the minimum working age at 16 years of age, although a worker must be 18 years of age to receive a national insurance card. The labor inspection office of the Ministry of Labor monitors and enforces this provision, and employers generally respect it in practice. The age of leaving school at the primary level is 15 years; when these pupils leave school, they are usually absorbed into the labor market disguised as apprentices. The Government does not prohibit specifically forced or bonded labor by children, but there were no reports that it occurred (see Section 6.c.). There is no known child labor except for children working on family-owned banana plantations, particularly during harvest time, or in family-owned cottage industries.

e. Acceptable Conditions of Work

The law sets minimum wages, which were last promulgated in 1989. They vary by sector and type of work and are specified for several skilled categories, including attendants, packers, cleaners, porters, watchmen, and clerks. In agriculture the wage for workers provided shelter is \$0.82 (EC\$2.25) per hour; skilled industrial workers earn \$7.36 (EC\$20) per day, and unskilled workers earn \$3.68 (EC\$10) per day. In many sectors the minimum wage is not sufficient to provide a decent standard of living for a worker and family, but most workers earn more than the minimum. The Wages Council, according to law, should meet every 2 years to review the minimum wage, but it has not met since 1989. However, the Ministry of Labor plans to convene a meeting with unions and employer's representatives in early 1999 to discuss changes to the minimum wage. There is no legislation concerning the length of the workweek; however, the general practice is to work 40 hours in 5 days. The law provides workers a minimum annual vacation of 2 weeks.

According to the Ministry of Labor, legislation concerning occupational safety and health is outdated. The most recent legislation, the Factories Act of 1955, has some regulations concerning only factories, but enforcement of these regulations is ineffective. Workers enjoy a reasonably safe working environment; however, the trade unions have dealt with some violations relating to safety gear, long overtime hours, and the safety of machinery. There were some reports of significant visual deficiency by visual display unit workers, and some reports of hearing impairment by power station and stone employees.

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